

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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RONALD SILVA,

**Plaintiff,**

V.

JAMES STOGNER, et al,

## Defendants.

Case No. 3:20-cv-00027-RFB-WGC

## ORDER

## I. INTRODUCTION

Before the Court is Plaintiff's Motion for Reconsideration (ECF No. 12).

## II. BACKGROUND

Plaintiff filed an Application to Proceed *In Forma Pauperis* on January 15, 2020. ECF No. 1. Plaintiff filed a Motion for Preliminary Injunction and Temporary Restraining Order on January 23, 2020. ECF No. 3. The Court denied the Motion for Preliminary Injunction on May 18, 2020. ECF No. 11. Plaintiff filed this Motion for Reconsideration on June 1, 2020. ECF No. 12.

### III. LEGAL STANDARD

The Court has discretion to grant or deny a motion for reconsideration. Navajo Nation v. Norris, 331 F.3d 1041, 1046 (9th Cir. 2003). Motions for reconsideration are disfavored, and a movant may not repeat arguments already presented. D. Nev. Civ. R. 59-1(b). Conversely, “A motion for reconsideration may not be used to raise arguments or present evidence for the first time when they could reasonably have been raised earlier in the litigation.” Marlyn Nutraceuticals, 571 F.3d at 880 (internal quotations and citations omitted).

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2       **IV. DISCUSSION**

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Plaintiff seeks reconsideration of the Court's order denying the preliminary injunction. The Plaintiff's primary argument is that the Court was required to screen the Complaint prior to issuing its order on the preliminary injunction. The Court disagrees. There is no legal requirement for the Court to screen the Complaint prior to deciding a motion for a preliminary injunction. The Court did not commit legal error by not screening the Complaint prior to issuing its order.

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However, the Court does find it appropriate to set a status conference on this case as it relates to the potential refiling of the preliminary injunction motion at this time. The Court did not intend for the Plaintiff to be foreclosed from reasserting his motion when conditions had evolved with respect to pandemic-related restrictions.

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14       **V. CONCLUSION**

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**IT IS THEREFORE ORDERED** that Plaintiff's Motion for Reconsideration (ECF No. 12) is GRANTED in part and DENIED in part. The Court will not reverse its prior ruling. However, the Court will set a hearing to review whether Plaintiff is requesting leave to refile his motion.

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**IT IS FURTHER ORDERED** that a hearing is set for April 30, 2021 at 1:00 PM in by videoconference before Judge Richard F. Boulware, II.

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DATED: March 31, 2021.

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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE